

**REMARKS**

Reconsideration of this application is respectfully requested.

Applicant courteously acknowledges the Examiner's reconsideration and withdrawal of previous grounds for rejection and the allowance of claims 1, 4, 5, 12-14, 18, 20, 21, 43-47, 62, 64, and 72. Claim 24 remains rejected.

Specifically, claim 24 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner noted that claim 24 was drawn to an *M. bovis* BCG::RD1 strain which has integrated therein SEQ ID NO: 1, and which is contained in the *E. coli* strain deposited under Accession No. I-2831. The Examiner indicated that it was unclear how a BCG strain is "contained in" an *E. coli* strain. Office Action at 3.

Applicant has clarified claim 24 to make it consistent with the specification. Specifically, claim 24 is now directed to "A cosmid" contained in the *E. coli* strain deposited under Accession No. I-2831. The cosmid is described in the specification on page 10, lines 4-13, page 5, lines 22-25, and under "Other Information" in the Sequence Listing for SEQ ID NO: 1.

In view of the amendment to claim 24, applicant courteously submits that the rejection under 35 U.S.C. § 112, second paragraph, may be withdrawn.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner. Applicant submits that the proposed amendment of claim 24 does not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either

earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.


Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: September 7, 2010

By: \_\_\_\_\_



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